

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. ~~5~~ :08-CR-282-8-F

UNITED STATES OF AMERICA

v.

TIMOTHY LAMONT HARGROVE,
Defendant.

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ORDER

By order of February 28, 2012, defendant Timothy Hargrove's appointed counsel was granted leave to withdraw [DE-467] from representation in the matter raised by Hargrove's letter/motion [DE-463] of February 14, 2012. The court directed the Federal Public Defender to appoint substitute counsel for Hargrove concerning his letter/motion for relief pursuant to *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011).

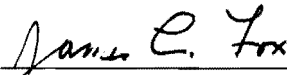
Hargrove did not appeal his conviction or sentence and he has not designated his *Simmons* motion as having been filed pursuant to 28 U.S.C. § 2255. This order CLARIFIES that appointment of substitute counsel by Order [DE-467] shall be pursuant to Standing Order No.11-SO-3 (E.D.N.C. Oct. 18, 2011). Substitute counsel is DIRECTED to supplement Hargrove's *pro se* motion [DE-463] within **thirty (30) days** of appointment to specify under what procedural provision the *Simmons* relief is sought, and/or otherwise to amend Hargrove's *pro se* motion as counsel deems appropriate.

The Clerk of Court is DIRECTED to serve the United States Attorney with this order and a copy of Hargrove's letter/motion [DE-463]. The Clerk of Court further is DIRECTED to resubmit this matter to the undersigned upon substitute counsel's filing a

supplement to Hargrove's letter/motion, or after expiration of thirty (30) days, whichever first occurs.

SO ORDERED.

This, the 1st day of March, 2012.



JAMES C. FOX
Senior United States District Judge